

Town of Hamburg
Planning Board Meeting
February 19, 2014
Minutes

The Town of Hamburg Planning Board met for a Regular Meeting at 7:00 P.M., on Wednesday, February 19, 2014 in Room 7B of Hamburg Town Hall, 6100 South Park Avenue. Those attending included Chairman Daniel O'Connell, Peter Reszka, Stephen McCabe, Doug Schawel, Augie Geraci and William Clark.

Others in attendance included Planning Board Attorney Ryan McCann, Andrew Reilly and Sarah desJardins, Town Planners and Richard Lardo, Assistant Municipal Engineer.

Excused: David Bellissimo

WORK SESSION

Jack Becker – Proposed Subdivision on Schoellkopf Road

Chairman O'Connell advised Board members that this applicant had asked that the project not be discussed.

Engineering Department comments have been filed with the Planning Department.

REGULAR MEETING

Public Hearing – John Kuebler proposed subdivision

Mr. McCabe read the following notice of public hearing:

“Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on February 19, 2014 in Room 7B of Hamburg Town Hall at 7:00 P.M. regarding a proposed two-lot subdivision known as the John Kuebler Subdivision, to be located at 5050 Fairgrounds Road.”

Mrs. desJardins stated that no new correspondence had been received by the Planning Department regarding this proposal.

Chairman O'Connell declared the public hearing open. The following people spoke:

- Sheila Jamison, 5064 Fairgrounds Road, asked for clarification regarding where the structure would be placed on the lot and what type of residence it would be.
- Doug Jamison, 5064 Fairgrounds Road, stated that he is concerned about existing drainage problems in this area.

Chairman O'Connell declared the public hearing closed.

Mr. Reilly stated that all building plans must have a drainage plan associated with them, and when a building permit is applied for, the drainage plan is reviewed by the Engineering Department.

Mr. McCabe made the following motion, seconded by Mr. Schawel:

“**Whereas**, the Town of Hamburg received a minor subdivision application from John Kuebler to subdivide property located at 5050 Fairgrounds Road into 2 lots, and

Whereas, on February 19, 2014 the Hamburg Planning Board held the required public hearing and received comments from the public; and

Whereas, the Hamburg Planning Board in accordance with the New York State Environmental Quality Review Act (SEQRA) has done a thorough review of the project and its potential impacts, and

Whereas, the Hamburg Planning Board, in accordance with SEQRA has determined that the proposed subdivision will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public and is consistent with social and economic considerations.

Now, Therefore, Be It Resolved, that the Town of Hamburg Planning Board hereby determines that the proposed subdivision is not anticipated to result in any significant adverse environmental impact and that a Negative Declaration is hereby issued.”

Carried.

Mr. McCabe made the following motion, seconded by Mr. Schawel:

“**Whereas**, the Town of Hamburg received a minor subdivision application from John Kuebler to subdivide the parcel located at 5050 Fairgrounds Road into 2 lots; and

Whereas, the Planning Board has reviewed the Preliminary subdivision plan and other required materials in accordance with the Hamburg Subdivision code; and

Whereas, the Hamburg Planning Board received comments from various Town Advisory Boards and Departments; and

Whereas, the Hamburg Planning Board held the required public hearing on this proposed Subdivision on February 19, 2014; and

Whereas, the Hamburg Planning Board has determined that the proposed subdivision will not result in any significant negative effect on the environment and has issued a Negative Declaration;

Now, Therefore, Be It Resolved, that the Hamburg Planning Board hereby approves the Preliminary Plat for the John Kuebler subdivision with the following condition:

1. Approval is contingent upon the Engineering Department comment letter dated February 19, 2014.

Be It Further Resolved, that the Planning Board, in accordance with Section 230-22 L of the Town’s Subdivision law, will not require the installation of sidewalks, and

Be It Finally Resolved, that the Planning Board waives the submission of a Final Map Cover.”

Carried.

Public Hearing – William Jefferson, Inc. (Arby’s Restaurant)

Mrs. desJardins stated that correspondence was received from the New York State Department of Transportation (NYSDOT) indicating that the location of the proposed curb cut is acceptable pending full engineering of the site.

Mrs. desJardins stated that the identification sign proposed by the applicant is a pylon sign, which is not permitted in the Camp Road Overlay District. She further stated that the adjacent

building (McDonald's) was approved in 1999 with a monument sign, which is what the Camp Road Overlay District recommends, but a building permit was subsequently granted for a pylon sign. She noted that the Planning Board would have to decide whether to waive the Camp Road Overlay District requirement that a monument sign be erected and allow the applicant to have a pylon sign or enforce the Overlay District requirements and require a monument sign.

Elizabeth Buscaglia, representing the applicant, stated that when she informed the applicant that a monument sign is required in this Overlay District, he proceeded to work with the national Arby's sign company, and he is interested in pursuing the idea of a monument sign. She noted that Arby's has never constructed a monument sign before.

Ms. Buscaglia stated that at this point she does not have final drawings or costs, so she does not yet know if it is a realistic possibility that the applicant can go forward with the monument sign. She asked the Board if the applicant could install a sign similar to the adjacent business (McDonald's) if a monument sign is not a workable option for this site. She stated that the McDonald's sign is 17' 4" high and is 49 sq.ft. in area.

Ms. Buscaglia showed Board members a drawing of a pylon sign that is 18 feet high and is approximately 50 sq.ft. in area. She stated that this sign would be in keeping with the adjacent businesses' signage.

Mr. Reilly stated that if a pylon sign is ultimately installed, it should include a heavily landscaped island underneath it, similar to the adjacent Wendy's pylon sign.

Mr. McCabe stated that a mistake was made with McDonald's, but he does not know why the Board would want to emulate it moving forward. Chairman O'Connell and Mr. Reszka concurred.

Chairman O'Connell suggested that a monument sign be required, but the Board could revisit this issue if need be. Mr. Reszka stated that the Board should not waive an Overlay requirement just because an applicant cannot afford it.

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will conduct a Public Hearing on a proposal by William-Jefferson, Inc. to construct a new Arby's Restaurant at 5115 Camp Road. The public hearing will be held on February 19, 2014 at 7:00 p.m. in Room 7B of Hamburg Town Hall."

Chairman O'Connell declared the public hearing open. No one spoke.

Chairman O'Connell declared the public hearing closed.

Mr. McCabe made a motion, seconded by Mr. Geraci, to authorize the Planning Department to prepare resolutions for this project for the Board's next meeting.

On the question:

Mr. Reszka stated that he would like the resolution to state that a monument sign is required.

Carried.

Mr. Reszka made a motion, seconded by Mr. McCabe, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

Public Hearing - J & M Homes (Burke Road)

Rob Pidanick from Nussbaumer & Clarke and John Kalstek, applicant, appeared on behalf of the proposed project.

Mrs. desJardins stated that she had not received any correspondence regarding this project, but she did receive a phone call from a concerned neighbor.

Mr. Pidanick stated that the applicant proposes to subdivide this 3.79-acre parcel into seven (7) lots, one of which will contain the existing home on the property. He further stated that one (1) flag lot is proposed and it does meet the Town of Hamburg's flag lot requirements.

Mr. Pidanick stated that sewer and water lines exist on the south side of Burke Road that will serve the homes. He noted that Nussbaumer & Clarke will have to verify that capacity is available for sanitary sewer, and he believes there is ample capacity.

Mr. Pidanick stated that a conservation area is proposed in the rear of the property.

In response to a question from Mr. Geraci, Mr. Kalstek stated that he is a custom home builder, and the square footage of the new homes would be between 2,000 and 2,500. He stated that he would set the new homes back further than what is required (50 feet) in order to add some character to the subdivision.

Mr. McCabe read the following notice of public hearing:

"Notice is hereby given that the Town of Hamburg Planning Board will hold a Public Hearing on February 19, 2014 in Room 7B of Hamburg Town Hall at 7:00 P.M. regarding a proposed seven-lot subdivision known as the Kalstek Subdivision, to be located on vacant land adjacent to 6650 Burke Road."

Chairman O'Connell declared the public hearing open. The following people spoke:

- Dale Bacchetti, 6649 Burke Road, stated that he is concerned about the removal of trees on the property and how that would affect the noise from the railroad tracks, which are close to this property.

Chairman O'Connell declared the public hearing closed.

Mr. Pidanick stated that only the trees in the area where the homes would be located would be removed, and there will not be a significant amount of trees removed from this property.

Mr. Lardo stated that there may be a way to avoid constructing the detention pond, and fewer trees would have to be removed as a result.

Mr. Reilly stated that the Board will not accept a statement from the applicant indicating that "as many trees as possible" will be preserved. He noted that the applicant would have to clearly indicate which trees are to be preserved.

Mr. McCabe stated that perhaps the Conservation Advisory Board (CAB) should be asked to indicate where the most significant trees are on the property that should be preserved. Mr. Reilly agreed and stated that the applicant should meet with the CAB in this regard.

Mr. McCabe stated that if the applicant has a problem with preserving important trees, the Planning Board could reduce the number of lots allowed, and the applicant would have more room to work with.

Mr. Reszka stated that he does not like the plan containing seven (7) lots. He noted that the purpose of the Lakeview Overlay District is to encourage a more rural look and, although the

homes across the street from this site have the same or slightly smaller road frontages, this has no bearing on the situation. He stated that the Planning Board has the chance to do what the Lakeview Overlay District says should be done.

Mr. Reszka stated that the six-lot layout presented at the Board's last meeting is a better fit, and the seven-lot layout does not meet the requirements of the Lakeview Overlay District.

Mr. McCabe stated that he agrees with Mr. Reszka and hearing that there might be difficulties in preserving trees on the site, if bigger lots are necessary to make that happen, the Lakeview Overlay District requirements should be adhered to.

Board members discussed the six-lot layout proposed at the Board's last meeting. Mr. Reszka stated that Lot # 5 could be shifted to the north, and the driveway for the western flag lot could be relocated in order to preserve the trees that exist along the north lot line of the property.

Mr. Kalstek stated that if Lot #5 is moved to the north, then two (2) driveways would be located next to each other, which would mean that the trees in that area would have to be clear cut.

Mr. Pidanick stated that he believes that the seven-lot layout would have less of an impact on the existing trees than the six-lot layout.

Mr. Reszka stated that the six-lot layout would produce a more rural feel than the seven-lot layout because only three (3) new homes would be built along the road instead of five (5). He noted that six (6) homes along the road would not achieve the goal of protecting the rural nature of the area.

Mrs. desJardins suggested that the six-lot layout be reconfigured so that the two (2) flag lot driveways are not side by side.

Mr. Reszka stated that preserving trees is only one (1) part of the equation, and the other part is preserving the rural character of this neighborhood, which is the goal of the Lakeview Overlay District. He further stated that a conservation easement could be placed on certain areas of the site regardless of whether six (6) or seven (7) lots are approved.

Mr. Reszka stated that the six-lot layout meets the intent of the Lakeview Overlay District far more than the seven-lot layout does. Mr. McCabe and Chairman O'Connell concurred.

Chairman O'Connell stated that he prefers the six-lot layout, but it needs some revising so that the two (2) flag lot driveways are not next to each other.

Mr. Clark stated that he prefers the seven-lot layout.

Mr. Reszka stated that it appears that the area designated as the conservation easement area on the seven-lot layout consists mostly of scrub trees, so it may not really matter if that area is preserved or not.

It was agreed that the applicant will attempt to rework the submitted six-lot layout so that Lot # 5 is moved to the property's north lot line and the two (2) flag lot driveways are not adjacent to one another. If the applicant is not able to rework the plan as directed by the Board, he will present a different six-lot layout.

Board members indicated that if the applicant resubmits a plan that is more creative, he may be given some leeway regarding the width of the frontage lots.

Mr. McCabe made a motion, seconded by Mr. Reszka, to table this project. Carried.

Engineering Department comments have been filed with the Planning Department.

OTHER BUSINESS

Mr. Reilly handed out a memo to Board members regarding the history of the Sherwood Meadows apartment project.

Board members discussed the SEQR law and when a Positive Declaration is issued.

Mr. McCabe made a motion, seconded by Mr. Schawel, to approve the minutes of February 5, 2014. Carried.

Mr. Schawel made a motion, seconded by Mr. Reszka, to adjourn the meeting. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,
Stephen J. McCabe, Secretary
Planning Board

Date: February 28, 2014